

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:16-cr-00020-RLY-MPB |
| |) | |
| REJINO L. DEEN, |) | -01 |
| |) | |
| Defendant. |) | |

REPORT AND RECOMMENDATION

On April 17, 2018, the Court held an Initial Appearance on a Petition for Supervised Release Violation. On May 7, 2018, the Court held the Final Hearing on Revocation of Supervised Release. Defendant Deen appeared in person with his appointed counsel Steven Bohleber. The government appeared by Kyle Sawa, Assistant United States Attorney. The United States Probation Office appeared by Probation Officer Katrina Sanders.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Deen of his rights and provided him with a copy of the petition. Defendant Deen waived his right to a preliminary hearing.
2. After being placed under oath at the Final Hearing, Defendant Deen admitted violations 1 and 2 ([Dkt. No. 23](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

| | Violation Number | Nature of Noncompliance |
|--|------------------|---|
| | 1 | <p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On March 5, 2018, the offender reported for a urinalysis which resulted positive for methamphetamine.</p> |
| | 2 | <p>"You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.)."</p> <p>On March 13, 2018, the offender reported to the substance abuse counselor for an initial appointment. The offender indicated he is refusing services. He told the counselor he "wanted to be revoked and complete his time."</p> |

The highest grade of violation alleged is a Grade B violation. Defendant's criminal history category is V. The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 18-24 months.

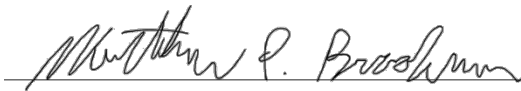
The Defendant requested he be continued on Supervised Release, to reside with his mother and stepfather in Norris City, Illinois, and to participate in mental health and substance abuse treatment as previously ordered. The Government requested revocation of Supervised Release and a sentence of imprisonment.

This Court, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition.

The Court recommends Defendant be returned to Supervised Release under the same conditions as previously imposed with additional conditions to include mandatory attendance for mental health and substance abuse treatment at the U.S. Probation Office's contracted mental health/substance abuse treatment provider, and abide by the rules and regulations of that program. The probation officer shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). Defendant shall seek and maintain lawful full time employment. Further, the Defendant shall reside with his mother and stepfather at 585 county Road 400 East, Norris City, Illinois and obtain employment. Lastly, the Court recommends that jurisdiction of this matter be transferred back to the Southern District of Illinois – the District of Defendant's original sentence, residence and supervision.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: May 17, 2018


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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